

# EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

MCOM IP, LLC,

Plaintiff,

v.

CSI, INC.,

Defendant.

Civil Action No. 6:21-cv-00196

**DECLARATION OF T. DAVID CULBERTSON**

I, T. David Culbertson, do hereby declare and state as follows:

1. I am over 18 years of age and competent to make this declaration. I have either personal knowledge of the matters set forth in this declaration or I have learned them through reasonable investigation, and if called upon as a witness, I could and would testify competently to them.

2. I am currently the President and Chief Operating Officer of Computer Services, Inc. (CSI) and have held the position of President since 2018 and Chief Operating Officer since 2017. In my 31 years with CSI, I have held a variety of positions and, as of July 7, 2022, I will become Chief Executive Officer of CSI. I am also a member of CSI's Board of Directors. My CSI office has always been at CSI's headquarters in Paducah, Kentucky.

3. Unless otherwise indicated, the statements I make in this declaration with regard to CSI are based on my personal knowledge, corporate records maintained by CSI in the ordinary course of its business, records from the Office of Secretary of State of the Commonwealth of Kentucky and/or as a result of consulting with other CSI employees.

4. CSI's primary business is providing core data processing software and services (CSI Platforms) to financial institutions, mostly community banks. The CSI Platforms allow CSI to process institutional transaction data on a 24/7/365 basis and the institutions to maintain individual customer accounts, handle customer transactions, create records, issue statements and the like. One version of the CSI Platforms has been used commercially since at least 1991.

5. CSI was incorporated as a Kentucky corporation on March 19, 1965 and has always been a Kentucky corporation headquartered in Paducah, Kentucky. CSI's extensive main frame computers are located in Paducah, Kentucky (primary site) and Valparaiso, Indiana (back up/mirror site). (CSI's Chief Marketing Officer and most of the marketing staff are located in Franklin, Tennessee.)

6. I have reviewed the complaint for infringement, filed on March 2, 2021, of Patent No. 8,862,508 ("the '508 Patent") by MCOM against CSI in this case.

7. CSI has approximately 1,250 employees, and only a limited number of employees in the Western District of Texas, 15 employees assigned to a data/network operations center in Waco and 32 employees assigned to offices within an office park in Austin. (Because of the Covid-19 pandemic, such personnel may have been or may be working from their homes or other locales.) None of the CSI personnel assigned to its Waco or Austin facilities has anything to do with how and when banks communicate with their customers beyond compiling, printing and mailing bank statements and other routine unidirectional communications. None of the CSI personnel assigned

to the Waco or Austin facilities is involved in selling the CSI Platforms or such services to financial institutions.


8. None of the CSI personnel assigned to the Waco or Austin facilities was involved in developing or writing the software code constituting the CSI Platforms accused of infringement in this case. Rather, the CSI personnel in Waco operate a conventional computer data processing and network operations center, inputting bank transaction data to local servers and providing conventional bank back office services, such as those described in the preceding Paragraph.

9. The CSI personnel in Austin provide CSI with general internal corporate technology and other services, including infrastructure support, marketing, management, engineering, network operations and accounting, as well as non-core processing managed services, such as electronic telemetry to monitor the functioning of client devices in customer information technology systems.

10. The CSI Platforms were designed and coded in Paducah, Kentucky (where CSI currently has 278 employees), or in Amarillo, Texas, where CSI currently has 155 employees.

11. The relevant personnel, files, documents and electronically stored information related to the development and coding of the CSI Platforms are located primarily in the CSI headquarters building in Paducah, Kentucky. No such personnel, files, documents or electronically stored information are located at CSI locations in Austin or Waco.

I declare under penalty of perjury that to the best of my knowledge, the foregoing is true and correct. Executed on June 18, 2021, in Paducah, Kentucky .

  
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T. David Culbertson